

# **Minneapolis City Planning Department Report**

## **Interim Use Permit**

**BZZ – 1028**

**Date:** March 27, 2003

**Date Application Deemed Complete:** February 25, 2003

**End of 60 Day Decision Period:** April 26, 2003

**Applicant:** Hamoudi Sabri, Cedar Lake LLC

**Address of Property:** 1901 E. Lake St.

**Contact Person and Phone:** Sheila Delaney, 722-7227

**Planning Staff and Phone:** Jason Wittenberg, 673-2297

**Ward:** 9      **Neighborhood Organization:** Corcoran Neighborhood Organization

**Existing Zoning:** C1

**Proposed Use:** Automobile convenience facility

**Project Name:** 1901 Stop

**Proposed Interim Use:** Automobile convenience facility

**Previous Actions:** N/A

**Concurrent Review:** None

**Background:** The applicant proposes to re-open an automobile convenience facility in an existing building located at 1901 East Lake Street. Although the site is zoned C1, which does not allow for establishment of new automobile convenience facilities, an automobile convenience facility operated on the site when the zoning ordinance was adopted in 1999. As indicated in Table 548-1 of the zoning code, automobile convenience facilities existing on the effective date of the ordinance are a conditional use the C1 District.

The applicant seeks an interim use permit to operate the facility prior to planned redevelopment of the site. As indicated in section 525.380 of the zoning code, an interim use permit may be allowed as a temporary use of property until a particular date, until the occurrence of a particular event, or until the zoning regulations no longer allow it. Among the zoning code provisions affecting interim uses, such uses are subject to the following section of the zoning code:

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**525.450. Interim use conditions and guarantees.** (a) In general. Any city council approval of an interim use shall be subject to the following conditions:

- 1) The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.
  - 2) Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.
  - 3) The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.
  - 4) In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
  - 5) Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.
- (b) Exceptions. The city council may waive conditions that would apply to an interim use upon a finding that the temporary nature of the interim use will eliminate the adverse effects the condition was intended to prevent.

Automobile convenience facilities are subject the following Specific Development Standards of section 536.20 of the zoning code:

*Automobile convenience facility.*

- 1) The sale or repair of vehicles shall be prohibited.
- 2) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- 3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.
- 4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- 5) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

The site is located within one-half mile of the Hiawatha/Lake LRT station and is located within the boundaries of the Hiawatha/Lake Station Area Master Plan, which was adopted by the City Council in May of 2001.

The applicant has indicated that the underground fuel tanks are in place.

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A site plan review application was reviewed and approved by the city under the 1963 zoning code (application PR-344). However, the site plan was not fully implemented.

**Findings Required by the Minneapolis Zoning Code for the Proposed Interim Use Permit:**

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The use is adjacent to residential properties. Automobile convenience facilities generate off-site impacts that are difficult to mitigate, including noise, heavy traffic, excessive light, and fumes. Assuming compliance with the Specific Development Standards for automobile convenience facilities noted above, including best management practices for vapor recovery, staff believes that the facility could operate without endangering the public health, safety, comfort, or general welfare. According to the applicant's site plan, the off-street parking area is approximately 19 feet from the residential property line to the south and the nearest fuel pumps are approximately 55 feet from the residential property line. The existing site has three curb cuts—two along Lake Street and one along 19<sup>th</sup> Avenue South. The All access points/curb cuts are subject to approval by the Public Works Department.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

To minimize the project's impact on nearby properties, landscaping and screening will be installed. In addition to the proposed landscaping, additional landscaping should be added to the area between the parking/maneuvering area and 19<sup>th</sup> Avenue South. Although staff is concerned that long-term use of the site as a strictly automobile related use could hinder the type of redevelopment that is envisioned in the adopted Hiawatha/Lake Station Area Master Plan, approving the proposed interim use permit would ensure that the use does not continue indefinitely and therefore would allow for redevelopment of the site with a use that is permitted in the C1 District or a zoning district that is applied to the property through a rezoning of the property. Light rail service is expected to open in 2004. The city is expecting that transit-related development will accelerate within a relatively short period of time following implementation of rail service. Thus, staff is concerned that operation of the automobile convenience facility in excess of two years (i.e., past 2005) could substantially impede realization of the plans that the city has adopted for the transit station area.

**3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

The site is adequately serviced by existing infrastructure. The Public Works Department will review the final site plan to ensure adequate drainage and safe vehicular access and circulation. Any roof drains connected to the sanitary sewer system must be disconnected.

**4. Will take measures to minimize traffic congestion in the public streets.**

As noted above, the Public Works Department will determine whether the existing curb cuts are safe and adequate. Given that the purpose of the business is primarily to allow refueling of automobiles, there are a limited number of ways in which the facility could be expected to minimize congestion. The proposal would comply with the minimum number of off-street parking spaces.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The City Council adopted changes to the Minneapolis Plan, including the addition of Transit Station Areas (TSAs) as land use features in the plan. TSAs generally refer to the areas within one-half mile of the LRT stations located outside of the downtown area, including the station at Hiawatha and Lake.

Policy 4.18 of the Minneapolis Plan states that “Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.” An Implementation Step under that policy states that the city will discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

The preferred concept plan suggests that the area in question should be redeveloped with street-fronting mixed use development featuring at-grade retail with apartments above.

In addition, the Corcoran Midtown Revival Plan was adopted by the City Council on October 11, 2002. The plan states that, “Along Lake Street between Cedar and Hiawatha the street should be an active street with retail uses at street level and generally two or three stories of housing above.”

The proposed use would not be consistent with the policies of the Minneapolis Plan of the adopted supplemental plans. However, given that the site was most recently used as an automobile convenience facility and the infrastructure for this use is essentially still in place, staff believes that allowing the use to re-establish on an interim basis could aide eventual redevelopment of the site in a manner that is consistent with the comprehensive plan.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p., site plan review and the requested variance.**

Given the interim nature of the proposed use, staff finds that full compliance with the provisions of Chapter 530 would be impractical. Staff believes that the installation of additional concrete curbing on the site provided the site complies with drainage requirements mandated by the Public Works Department. Such requirements would include that water not drain across sidewalks (except through curb cuts) or onto adjacent properties.

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**Recommendation of the City Planning Department for the Interim Use Permit Application:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the interim use permit application to operate an automobile convenience facility at 1901 East Lake Street, subject to the following conditions:

- 1) The interim use permit shall expire and operation of the use shall cease on April 4, 2005, unless the City Council approves an extension of the interim use permit.
- 2) The Planning Department shall review and approve the final site and landscaping plans.
- 3) The use shall comply with the Specific Development Standards for automobile convenience facilities as required by section 536.20 of the zoning code.